

**COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS  
MINUTES**

November 10, 2009

10:00 AM –2:00 PM

State Courts Building, Conference Room 119 A/B

1501 W. Washington St., Phoenix, Arizona

**MEMBERS PRESENT**

Lt. Mark Carpenter  
Elizabeth Ditlevson, proxy for Allison Bones  
Gloria Full, proxy for Joan Fox, DDS  
Honorable Joseph P. Knoblock  
Honorable Dennis Lusk  
Patricia Madsen, Esq.  
Commander Scott Mascher  
Leah Meyers, GOCYF/DFW  
Honorable Wendy Million  
Chief Jerald Monahan  
Doug Pilcher  
Honorable Emmet Ronan, Chair  
Tracey Wilkinson

**TELEPHONIC**

Cheryl L. Karp, Ph.D.  
Professor Zelda Harris  
Marla Randall

**MEMBERS ABSENT**

Barbara Appenzeller, CPA  
Honorable Cathleen Brown Nichols  
Laura Horsley  
Honorable Lynda J. Howell  
Bridget Humphrey, Esq.  
Honorable Daniel G. Martin  
Honorable Jack Peyton  
Catherine Shugrue-Schaffner, Esq.  
Renae Tenney  
Honorable Kristi Youtsey Ruiz

**STAFF**

Kay Radwanski  
Tama Reily

**GUESTS**

Jami Cornish, Community Legal Services  
Honorable Elizabeth Finn  
Theresa Barrett, AOC  
Kendra Leiby, AzCADV

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**I. CALL TO ORDER**

**A. Welcome and Opening Remarks**

With a quorum present, Judge Emmet J. Ronan, Chair, called the November 10, 2009, meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) to order at 10:07 a.m.

The following announcements were made:

Judge Ronan acknowledged the departure of members Lieutenant Mark P. Carpenter, Cheryl L. Karp, Ph.D., Honorable Jack Peyton, and Catherine Shugrue-Schaffner, Esq., whose terms on CIDVC expire December 31, 2009. Judge Ronan thanked the members for their service and commitment to the committee.

Judge Ronan informed the committee of the proposed 2010 meeting dates for CIDVC as follows:

Tuesday, February 9, 2010  
Tuesday, May 11, 2010  
Tuesday, September 14, 2010  
Tuesday, November 9, 2010

#### **B. Approval of Minutes from September 15, 2009**

The minutes of the September 15, 2009, meeting of CIDVC were presented for approval.

**MOTION: To approve the minutes of the September 15, 2009, CIDVC meeting as presented. Motion seconded. Approved unanimously. CIDVC-09-007**

#### **II. Workgroup Report: Best Practices**

Judge Wendy Million updated the committee on the progress of CIDVC's response to the "System Alert" Report. She stated that the workgroup's report should be completed within the next week, and the final version will be sent to committee members at that time. Judge Million briefly described the composition of the report, noting that it addresses each of the recommendations provided in the Morrison Institute's Report. It includes interactive links to the Morrison Institute's Report and other resources and a comprehensive reference section. The workgroup is exploring getting the report posted on the Wendell website pending AJC approval and is considering various options for publishing. Judge Million stated that although the report is not finalized, the workgroup is requesting CIDVC approve the guide 'in concept' so that it can be presented at the Arizona Judicial Council (AJC) December 2009 meeting.

**MOTION: To approve the Best Practices guide in concept. Motion seconded. Approved unanimously. CIDVC-09-008**

#### **III. Orders of Protection and Children**

Patricia Madsen, CIDVC member, and Jami Cornish, Community Legal Services, spoke to the committee regarding a practice that has been observed in several superior courts when protective orders that include a child/children are issued, wherein there is a time limit placed

on the protection for the child, and often the plaintiff is directed to file an action for custody when that time expires. Ms. Cornish acknowledged that some of these orders are issued in the midst of an ongoing custody case; however, many are not. She explained that the practice is of concern not only because it deprives the child of the full protection he/she is entitled to under the rules and statutes, but it requires the plaintiff to take further action before protection for the child can be re-considered. Ms. Cornish added that under ARPOP, the family court has jurisdiction to *modify* a protective order if a hearing is requested by the defendant; however, the commissioner or the judge issuing the *ex parte* order does not have the authority to do this.

Members discussed several options that might address the issue, including assigning a CIDVC workgroup to assess the problem, looking at how domestic violence education is provided in new judge orientations, and requesting the involvement of the AOC to issue a directive to judicial officers pursuant to the rules and statutes. It was noted that the role of CIDVC is uncertain in judicial conduct situations that concern specific judicial officers.

AOC committee staff offered to seek direction from the AOC director of the Court Services Division as to what options are available to CIDVC. Judge Ronan suggested that in the interim, the Best Practices Workgroup begin looking into the issue.

#### **IV. Reactivation of ARPOP Committee**

Patricia Madsen addressed the committee to propose reestablishing an Arizona Rules of Protective Order Procedure (ARPOP) committee or workgroup to review and develop possible rule changes to the ARPOP. Judge Elizabeth Finn, who was a member on the Domestic Violence Rules Committee that produced the ARPOP, volunteered to participate in a workgroup to carry out this task, along with CIDVC members Zelda Harris, Patricia Madsen, and Allie Bones. Judge Ronan authorized the formation of an ARPOP workgroup to proceed with this task.

#### **V. Domestic Violence Fatality Review Teams**

Apache Junction Police Chief Jerald Monahan updated the committee on the results of efforts to increase the number of communities utilizing DV fatality review teams. Chief Monahan briefly discussed the history and progress of the various city and county groups that have implemented DV review teams, noting there are currently six teams in place. He reported that endeavors in 2010 will focus on Yavapai, Gila, Graham, and Greenlee counties, as well as securing additional federal participation. Chief Monahan also informed the committee there are plans for bringing a national conference to the Phoenix area in August 2010, and additional information regarding the conference will be provided in the near future.

## **VI. Service of Protection Orders and Access to CPOR**

Judge Finn reported on the progress of the efforts of the Glendale City Court to obtain access to the Court Protective Order Repository (CPOR) database for the Protective Order Service Coordinator position in the Glendale Police Department. She briefly reviewed the purpose of a VAWA grant obtained by Glendale and the role the grant-funded Protective Order Service Coordinator would play. CIDVC's CPOR Policy workgroup held a teleconference meeting yesterday, which included AOC Data Warehouse Manager Robert Roll, who has agreed to participate in the workgroup. The workgroup discussed the various issues involved in providing CPOR access to a non-AOC party, and it was determined that a written agreement would be required to ensure understanding of and adherence to appropriate security procedures. Judge Finn stated that prior to proceeding with this venture, Glendale is requesting approval from CIDVC.

**MOTION: To recommend the AOC grant the Glendale Police Department access to the CPOR through the Protective Order Service Coordinator. Motion seconded. Approved unanimously. CIDVC-09-008**

## **VII. Workgroup Report: Forms and Processes**

Judge Finn updated the committee on the workgroup's progress in developing requirements for electronic filing of protective orders. She reported the workgroup completed their review of the prototype and created a set of Arizona requirements that will be delivered to Intresys for consideration in further development activities. Intresys had built a prototype to assist the workgroup in developing the requirements. It is anticipated that Intresys will then send the completed application to the AOC for testing in early 2010.

## **VIII. AzCADV Legislative Priorities**

Kendra Leiby, AzCADV, discussed the coalition's legislative agenda for 2010. The following are some of the issues that will be addressed:

- Child Custody – statute review and clean-up
- Domestic violence offenses - adding several additional offenses to A.R.S. § 13-3601
- A.R.S. § 12-1809 – to remove the term 'dating'
- A.R.S. § 13-3601 – to add the term 'dating'
- Human Trafficking – to model the state code after the federal code
- Predominant Aggressor – to address mutual incidents of domestic violence
- Gun Show Loophole – to address unlicensed private gun sellers
- DRC Seat – to establish a Domestic Relations Committee ( DRC) position for a representative from a statewide coalition on sexual assault
- Victims' Rights - allowing advocates to provide information to the court with the victim's verbal permission

### **X1. Workgroup Report: Education**

Elizabeth Ditlevson, AzCADV, serving as proxy for Allie Bones, reported that the workgroup has not yet met; however, the workgroup may be called upon to assist a specialist in the AOC's Education Services Division. A specialist will be hired to develop distance learning training modules for judges and court staff and will organize the second DV Summit. The AOC will fund the position through a STOP Grant issued under the Recovery Act.

### **X. Counting Time on Protective Orders: State v. Lychwick Court of Appeals, Division One)**

Kay Radwanski, committee staff member, reported on a recent case in which the Arizona Court of Appeals ruled that the calculation of time in a protective order does not include the date the order is served; rather, the time calculation begins on the following date. She provided the details of the case, State v. Lychwick, in which the defendant contacted the plaintiff, who had obtained an Injunction Against Harassment (IAH) against him. The IAH was served on the defendant on January 17, 2006. The defendant threw a package in the plaintiff's driveway on January 17, 2007. The defendant was convicted of aggravated harassment. He appealed, arguing that the IAH had expired on January 16, 2007. Division One, Court of Appeals, held that the date of service is not included in the one-year calculation; therefore, the order expired on January 17, 2007. Defendant's conviction was affirmed.

### **XI. Call to the Public**

No public comments offered.

### **X11. Adjournment**

The meeting was adjourned at 11:45 a.m.

### **Next Meeting:**

February 10, 2010

10:00 a.m. to 2:00 p.m.

Arizona State Courts Building

Conference Room 119 A/B